

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JUSTIN MICHAEL ENRIGHT,	:	CIVIL NO. 1:14-CV-103
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
<i>et al.,</i>	:	
	:	
Defendants	:	

ORDER

AND NOW, this 28th day of August, 2015, upon consideration of defendants' motions (Docs. 33, 35, 37) to dismiss, and for the reasons set forth in the court's memorandum of the same date, it is hereby ORDERED that:

1. The Perry County defendants' motion (Doc. 33) to dismiss is GRANTED as follows:
 - a. Perry County Prison is DISMISSED with prejudice as a party to this action.
 - b. Plaintiff's claims against Perry County, Commissioner Brenda Benner, Commissioner Stephen Naylor, Commissioner Paul Rudy, Jr., and Warden David Yeingst are DISMISSED without prejudice.
2. The United States' motion (Doc. 35) to dismiss is GRANTED. The Federal Tort Claims Act claim against the United States of America is DISMISSED with prejudice.
3. PrimeCare's motion (Doc. 37) to dismiss is GRANTED. The action against PrimeCare Medical, Inc. is DISMISSED without prejudice.

4. Plaintiff is granted leave to amend his complaint within twenty (20) days of the date of this order. Any amended pleading filed pursuant to this paragraph shall be filed to the same docket number as the instant action, and shall be titled "Second Amended Complaint," and shall be complete in all respects. It shall be a new pleading which stands by itself as an adequate complaint under the Federal Rules of Civil Procedure, without reference to the complaint (Doc. 20) hereinabove dismissed.
5. Plaintiff shall SHOW CAUSE within twenty (20) days of the date of this order why defendants Unknown Supervisor of the United States Marshals Service, Unknown Agent of the United States Marshals Service, Unknown Deputy Warden of Perry County Prison, and Unknown Nurse should not be DISMISSED from this action pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, as they have not been identified or served within 120 days of the date on which they were named as defendants in this case. See FED. R. CIV. P. 4(m).
6. If plaintiff fails to amend his complaint as contemplated by paragraph 4, and fails to show cause as ordered in paragraph 5, the Clerk of Court will be directed to close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania